

Worksheet
Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management (BLM)

A. **BLM Office:** Safford Field Office

Lease/Serial/Case File No.
AZA 33104

Proposed Action Title/Type: Right-of-Way

Location of Proposed Action: T. 8 S., R. 26 E., sec. 12, W2E2NW, Lot 21.

Description of the Proposed Action: There is a narrow, unimproved dirt road that was constructed prior to 1966 which has been used by the public for more than 25 years. This road takes off from HWY 191 and runs westerly through the NW1/4 of section 29 to private land within sections 29 and 30. The applicant is purchasing land in section 30 and may use said road. They would like legal access and have made application to this office for a right-of-way and the right to maintain the road. Approximately 1/4 mile of the subject road is on public land. The subject road accesses private land in the area. An alternate access to the private land is to the west from HWY 366. However, because of a major wash (Jacobson Creek) in that area, the subject road becomes the only vehicular access to the private land when the creek floods during inclement weather

Applicant (if any): Lathe Evans and Tami Evans

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

LUP Name*	<u>Safford RMP</u>	Date Approved	<u>Sept/1992 & July/1994</u>
LUP Name*	<u></u>	Date Approved	<u></u>
Other document**	<u></u>	Date Approved	<u></u>
Other document**	<u></u>	Date Approved	<u></u>
Other document**	<u></u>	Date Approved	<u></u>

- The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

X The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions) and, if applicable, implementation plan decisions:

According to the Management Guidance Common to all Alternatives for Land Use Authorizations, rights-of-way, leases and permits will be considered on a case-by-case basis, in accordance with the decisions of (the) RMP. (Page 22).

C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.

Environmental Assessment AZ-040-05-04, completed 11/10/1994.

Cultural Resource Compliance Documentation Record, completed 11/03/1994.

SHPO Concurrence, dated 12/08/1994.

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?

Yes. The proposed action is a new authorization; however the Bureau of Land Management, Safford Field Office currently has one other authorized grant holder authorizing access by use of this road. No changes or alteration to this dirt road will be made. Implementing this authorization will not further impact the resource or lands described.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

Yes. The range of alternatives analyzed in the existing Environmental Assessment AZ-040-05-04 is appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances. Approximately ¼ mile of the subject road is on public land. The subject road accesses private land in the area. An alternate access to the private land is to the west from HWY 366. However, because of a major wash (Jacobson Creek) in that area, the subject road becomes the only vehicular access to the private land when the creek floods during inclement weather. Appropriate mitigating measures and special stipulations applicable and relevant to the named cultural site. Additional documentation and consultation provided from SHPO.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

The existing analysis is adequate and addresses mitigating measures for the proposed action. Environmental Assessment AZ-040-05-04 was completed prior to 1998. Due to changes made in 1998, additional scoping and review was conducted for Environmental Justice, Threatened & Endangered Species, Nonnative/Invasive Species and Cultural. This road has been utilized as a means of access for private land owners for over 25 years and is primarily maintained by the county, no alterations will be made to the existing access road, and therefore there were no new changes or significant impacts resulting from the implementation of this action.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Yes. The methodology and analytical approach used in the Environmental Assessment, AZ-040-05-04 continues to be appropriate for the current proposed action. The methodology and analytical approaches currently in use are the same, with exception to additional reviews conducted for Environmental Justice, Threatened & Endangered Species, Nonnative/Invasive Species and Cultural. This road has currently been utilized as an access road for over 25 years.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?

Yes. The action is unchanged from those identified in the Environmental Assessment, AZ-040-05-04. The Environmental Assessment documents sufficiently site-specific impacts related to the current proposed action. The Bureau of Land Management, Safford Field Office, currently authorizes one or more rights-of-ways for this specific road. There will be no additional significant impacts or increase in use as a result of implementing this action.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

Conclusion can be made that without additional analysis or information, the cumulative impacts that would result from implementation of this proposed action are substantially unchanged from those analyzed in the existing NEPA Environmental Assessment, AZ-040-05-04. No changes will be made to the existing road; therefore, project parameters are unchanged from those analyzed in the existing NEPA documents. This road has been in existence and has been used by the general public for more than 25 years; therefore, there will be no additional significant impacts or increase in use as a result of implementing this action.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequately for the current proposed action?

Public involvement and interagency review conducted previously are adequate and sufficiently meet the current Lands & Realty regulations. Adequate documentation regarding the use of this road was provided from the State Historic Preservation Office (SHPO).

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
Melissa D. Warren	Land Law Examiner	Lands & Realty
Marlo Draper	Planning & Environmental Coord.	P&M
Michelle Cox	Rangeland Mgmt Specialist	RUP

Tim Goodman
Anna Rago

Biologist
Archaeologist

P&M
P&M

F. Mitigation Measures:

Cultural:

1. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and proper mitigation of impacts.

Visual:

1. Stipulate the right-of-way applicant will ensure that any removal of vegetation and/or disturbance of earth are restricted to the right-of-way.
2. Stipulate the right-of-way site shall be maintained in a sanitary condition at all times; waste materials shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
3. Stipulate the right-of-way applicant will ensure that all necessary steps are taken to prevent erosion arising from this use, except that no erosion control modification of either side of the right-of-way is allowed from the western edge of federal land to a point 500 feet to the east.

Nonnative/Invasive Plants:

Standard Stipulation will be included in the grant.

1. All equipment and vehicles would be power washed before going to the site to decrease the likelihood of introducing noxious weeds.
2. All work must be performed with the intention to incur only the minimum amount of disturbance necessary to achieve the objectives in order to decrease the establishment of noxious weeds.
3. Hay and mulch brought to the project site must be Arizona Crop Improvement Association, Inc. (ACIA) certified weed-free. ACIA certification matches standards and procedural requirements endorsed by the North American Weed Management

Association. The Arizona Department of Agriculture recognizes ACIA certification as meeting the standards necessary to distinguish weed-free hay and mulch grown in Arizona as free from Federal and Arizona prohibited and regulated noxious weeds.

4. Rehabilitation work including seeding, mulching and vertical mulching, matting, water control devices, and other measures would have biologist input to reduce introduction of non-native species. Seed must be ACIA certified weed-free and preferably from Southeast Arizona.

In addition to formulating stipulations to accommodate the approved and accepted mitigation measures identified above, the standard stipulations as approved and applicable for the right-of-way will also be included in the grant document.

TERMS & CONDITIONS:

1. The grant will be issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
2. The grant shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way granted herein may be reviewed at any time deemed necessary by the authorized officer.
3. Failure of the holder to comply with applicable law or any provision of the right-of-way grant shall constitute grounds for suspension or termination thereof.
4. All operations shall be performed in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
5. The holder will ensure that any removal of vegetation and/or disturbance of earth are restricted to the right-of-way.
6. The right-of-way site shall be maintained in a sanitary condition at all times; waste materials shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
7. The holder will ensure that all necessary steps are taken to prevent erosion arising from this use, except that no erosion control modification of either side of the right-of-way is allowed from the western edge of Federal land to a point 500 feet to the east.
8. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and proper mitigation of impacts.
9. Upon grant termination the holder shall recontour disturbed areas, or designated sections of the right-of-way, by grading to restore the site to approximately the original contour of the ground as determined by the authorized officer.

CONCLUSION

1. Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

/s/ Thomas Schnell

05/02/2005

Thomas Schnell
Acting Assistant Field Office Manager for
Resource Use & Protection

Date